

**FILED**

**AUG 06 2015**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY LS DEPUTY

**UNITED STATES DISTRICT COURT**

**for**

**WESTERN DISTRICT OF TEXAS - WACO**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

**Name of Offender: Michael Angelo Martinez**

**Case Number: W-12-CR-008(01)**

**Name of Sentencing Judicial Officer: United States District Judge Walter S. Smith, Jr.**

**Date of Original Sentence: May 16, 2012**

**Original Offense: Possession of a Firearm by a Convicted Felon, in violation of Title 18  
U.S.C. §§ 922 (g)(1) and 924(a)(2).**

**Original Sentence: Thirty seven (37) months custody of the United States Bureau of  
Prisons, followed by three (3) years supervised release, \$1000 fine, and  
\$100 special assessment.**

**Type of Supervision: TSR**

**Date Supervision Commenced: June 1, 2015**

**PREVIOUS COURT ACTION**

**None**

**PETITIONING THE COURT**

**[X] To modify the conditions of supervision as follows:**

**The defendant shall pay any criminal monetary penalty at the rate of no less than \$50.00 per month, due by the third day of each month beginning August 3, 2015. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the United States Attorney. The defendant shall cooperate fully with the United States Attorney and the United States Probation Office to make payment in full as soon as possible.**

The defendant has waived his right to a hearing and counsel.

**CAUSE**

The Fifth Circuit Court of Appeals has concluded it was not permissible for the Court to delegate to the United States Probation Office the authority to establish a payment schedule for any court-ordered financial obligations. United States v. Albro, 32 F.3d 173 (5th Cir. 1994).

**Approved by:**

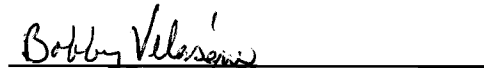
**Respectfully submitted,**



**LADONNA J. REYNA**

**Supervising U.S. Probation Officer**

**Date:** 8/5/15



**BOBBY VELASQUEZ**

**Sr. U. S. Probation Officer**

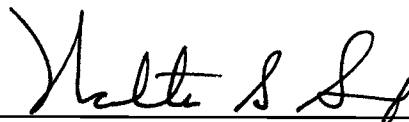
**Date:** 8/5/2015

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**THE COURT ORDERS:**

☐ **No Action**

☒ **The modification of conditions as noted above.**



**Walter S. Smith, Jr.**

**United States District Judge**

8/6/15  
**Date**

## United States District Court

Western District of Texas

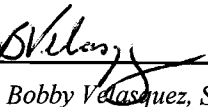
### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

**The defendant shall pay any criminal monetary penalty at the rate of no less than \$50.00 per month, due by the third day of each month beginning August 3, 2015. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the United States Attorney. The defendant shall cooperate fully with the United States Attorney and the United States Probation Office to make payment in full as soon as possible.**

Witness



Bobby Velasquez, Sr. U.S. Probation Officer

Signed



Michael Angelo Martinez,  
Dkt # W-12-CR-008(01)

8/5/2015

(Date)